



Appeal Decision

Site visit made on 18 November 2025

by **A Phillips MPlan BA CertHE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/B1550/W/25/3372825

A and K Nurseries, Arterial Road, Rayleigh, SS6 7XT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Darren Downs against the decision of Rochford District Council.
 - The application Ref is 25/00132/FUL.
 - The development proposed is Siting of 3 No. containers for B8 (Storage and Distribution) Use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description the on the Decision Notice, as this provides greater clarity on the proposal and is based on evidence contained within the appellant's application form. However, the term 'retrospective' is not an act of development and I have omitted it. On my site visit I viewed the three shipping containers in situ.
3. It is noted that one of the containers on my site visit was being used for welfare facilities. However, I have determined this appeal based upon the proposed development description.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2024 (Framework) and relevant development plan policies.
 - The effect of the proposal on the openness and purposes of the Green Belt.
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Is the proposal inappropriate development?

5. The site is located within the Metropolitan Green Belt and is currently a mix of businesses. However, it is noted that the Council has stated that only the dog grooming salon and the Downs Landscaping/Turf are the only authorised businesses on the site.

6. Paragraph 153 of the Framework requires that substantial weight is given to any harm to the Green Belt, including its openness. It goes on to state 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.
7. Paragraph 154 of the Framework defines that development is inappropriate development unless the proposal meets one of the exemptions listed. The appellant states that the development represents limited infilling of previously developed land and on this basis would meet 154(g) of the Framework. However, the authorised use(s) of the site is a matter of dispute between the two parties. It is noted that neither party has fully established its argument but based on the evidence submitted, the appellant has not provided any evidence such as decision notices to contradict the Council's view that the site is not previously developed. Therefore, the location where the three storage containers sit has not been established as authorised previously developed land and on this basis the proposal is inappropriate development under paragraph 154 of the Framework.
8. Paragraph 155 of the Framework does allow for other commercial development within the Green Belt. The site could be considered grey belt as at least some of the overall site has authorised uses. However, the appellant has argued that the demonstrable unmet need is for the storage space for the nursery business, though has provided limited additional information to support this. In addition, the proposed development is seeking a separate storage and distribution (B8 Use Class) units not directly tied to the nursery business and evidence has not been provided to demonstrate there is a demonstrable unmet need in B8 Use Class within the area.
9. While the appellant has put forward the argument that the proposal would not generate new travel demand as it supports an existing business, this is not technically what has been applied for. Paragraph 155 of the Framework also requires the site be 'in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework'. This requires the site to maximise and prioritise sustainable transport options and safe suitable access for all users. While the site is in a rural location and accessed via a dual carriageway of the A127, which benefits from a cycle lane. Given the rural location of the site and the evidence presented, the site is not a sustainable location. However, there is only limited harm due to the ability to cycle to work.
10. Policies GB1 and GB2 of the Rochford District Council Core Strategy Adopted Version December 2011 (Core Strategy) seeks to provide the minimum amount of development in the Green Belt to meet its employment needs and allows for existing buildings to be converted to meet employment needs. It has not been established that there is a need for this development in the Green Belt, nor does the proposal relate to the conversion of existing buildings. The proposal on this basis does not comply with the Core Strategy.
11. The appellant has provided three appeal decisions. However, based on the evidence provided one¹ of these is materially different in that it relates to warehouse extension. The context of this appeal is therefore significantly different to this current appeal that involves new containers. The second appeal² while being of a similar development, the site was considered to be previously

¹ Appeal Reference: APP/H1033/W/23/3331118

² Appeal Reference: APP/X4725/W/24/3357664

developed land by both parties and therefore the appeal was determined under a different context. Therefore, these appeals do not materially affect my determination of this current appeal.

12. The third appeal³ where the Inspector found that new storage building for a forest business to be inappropriate development. Therefore, it does not materially affect my view on this main issue. However, I have noted the conclusions of this Inspector, including the granting of significant weight to economic growth.
13. The proposal would be inappropriate development within the Green Belt and on this basis causes substantial harm.

Openness and purposes of the Green Belt

14. The Council's Green Belt policies in the Core Strategy, as stated above, are to prevent development encroaching into the countryside, protect the natural environment and to provide recreational opportunities. It also seeks to preserve the character and openness of the Green Belt.
15. The Council has stated some of the uses/development on site have not been authorised, though does not provide full details of which and where these are on the site. However, given that some of the site has authorised development the proposal is likely to lead to only some encroachment into the open and undeveloped Green Belt. In addition, the scale of the development is relatively small. Therefore, the development only causes limited additional harm to the wider openness and purposes of the Green Belt.

Additional harm and do other considerations amount to Very Special Circumstances?

16. With the proposal being inappropriate development it should only be allowed if there are very special circumstances as detailed under paragraph 153 of the Framework.
17. As detailed above, I have concluded limited harm to the overall sustainability transport options to reach the site that covers the second reason for refusal by the Council. In addition, there is limited harm to the wider openness and purposes of the Green Belt.
18. It is noted that paragraph 85 of the Framework states significant weight should be placed on supporting local business needs and in paragraph 87 of the Framework highlights the need for 'storage and distribution operations at a variety of scales'.
19. Paragraph 88 of the Framework states that 'sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings'. The proposal does not relate to a conversion and while the proposed containers have limited impact upon the character and appearance of the local area they are of a utilitarian design with little architectural merit.
20. The appellant has provided very limited information on how the three shipping containers would support the existing nursery business or the need for additional B8 Use Class in this location. On this basis, I can only give moderate weight to the economic benefits this specific development brings to the area.

³ Appeal reference: APP/W4705/W/23/3330027

21. The other considerations do not clearly outweigh the harm to the Green Belt and other harm identified and therefore do not form very special circumstances. I therefore conclude that the proposal would not meet the requirement of limited infilling of previously developed land and there are no very special circumstances to justify allowing this development. The proposal also conflicts with Policies GB1 and GB2 of the Core Strategy as detailed above.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

A Phillips

INSPECTOR